

## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

REC'D 31 JAN 2006

WIECO

PCT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>OP100849/SKI</b>	<b>FOR FURTHER ACTION</b> See Form PCT/IPEA/416	
International application No. <b>PCT/FI2004/000619</b>	International filing date ( <i>day/month/year</i> ) <b>15-10-2004</b>	Priority date ( <i>day/month/year</i> ) <b>15-10-2003</b>
International Patent Classification (IPC) or national classification and IPC See Supplemental Box		
Applicant <b>Uniq Bioresearch OY et al</b>		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a.  (*sent to the applicant and to the International Bureau*) a total of 4 sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b.  (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand <b>27-07-2005</b>	Date of completion of this report <b>23-01-2006</b>
Name and mailing address of the IPEA/SE <b>Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88</b>	Authorized officer <b>Inger Löfgren/Els Telephone No. +46 8 782 25 00</b>

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

International application No.

PCT/FI2004/000619

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

**INTERNATIONAL PATENT CLASSIFICATION (IPC) :****A23J 1/20** (2006.01)**A23J 3/08** (2006.01)

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- the international application in the language in which it was filed  
 a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:  
 international search (Rules 12.3(a) and 23.1(b))  
 publication of the international application (Rule 12.4(a))  
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished  
 the description:

pages 1 - 45 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- the claims:

pages \_\_\_\_\_ as originally filed/furnished

pages\* \_\_\_\_\_ as amended (together with any statement) under Article 19

pages\* 46 - 49 received by this Authority on 27 - 07 - 2005

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- the drawings:

pages 1 - 17 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

- the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (*specify*): \_\_\_\_\_  
 any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FI2004/000619

**Box No. V**    **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	<u>1 - 34</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>1 - 10, 16 - 34</u>	YES
	Claims	<u>11 - 15</u>	NO
Industrial applicability (IA)	Claims	<u>1 - 34</u>	YES
	Claims	_____	NO

**2. Citations and explanations (Rule 70.7)**

The claimed invention, according to claims 11-15, is unclear.  
See box VIII.

**Cited documents:**

D1: WO9955170

D2: US5543164

D1 shows a method for modifying the structure of whey proteins. New disulfide bonds are formed. The functional properties of the end product are influenced by the degree of modification.

D2 shows a method for preparing a protein-based coating for food items.

The cited documents represent the general state of the art. The invention defined in claims 1-10 and 16-34 is not disclosed by any of these documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed film and method. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-10 and 16-34 is novel and is considered to involve an inventive step. The invention is industrially applicable.

## Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 11-15 do not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined.

The claimed film, according to claims 11-15, is defined by features that are not related to films. The features, characterizing the claimed film, according to claims 11-15, are different products where the film is to be used.